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WASHINGTON, DC—U.S. Congressman Peter DeFazio voted yesterday against the Electronic Surveillance Modernization Act, H.R. 5825. The bill would give extraordinary and unprecedented authority to the president, who, under the bill, would be permitted to conduct unlimited, warrantless wiretapping of U.S. citizens without probable cause. The bill passed the House.

“I fully support giving law enforcement and intelligence agencies all the necessary tools to intercept terrorist or suspected terrorist communication,” DeFazio said. “There is no reason this cannot be done in a way that complies with the Constitution and protects the freedom and liberties of American citizens.

“The power this bill would give the president is alarming. The president, at his discretion, would be allowed to conduct a wiretap on any U.S. citizen in the event of an 'imminent threat of attack.' It's not a stretch to imagine that the consistently elevated threat level in the United States might be used to justify permanent warrantless wiretapping of U.S. citizens.”

The bill would allow the government to permanently retain and mine the data obtained from the warrantless surveillance, even data inadvertently obtained on innocent Americans from such surveillance, with no privacy protections for U.S. citizens. Further, the bill would prohibit court review of the warrantless wiretapping, leaving no opportunity in the future for judicial review of the constitutionality of the program. The legislation also severely limits congressional oversight of the program to a handful of members who would be sworn to secrecy.

The legislation has yet to pass the Senate.